File No. 343-c

1906-7

Serial Nos. 2

(Gen. Fin.)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B. for January 08

SUBJECT.

Shrinkage in the receipts under Land Revenue as observed in paras 36 to 38 of the Comptroller's review of the Progress of Revenue and expenditure of Mysore from 1894-5 to 1906-7 and proposals as to adjustment of charges between Land Revenue and Forest

1 (2) To the Comptroller and Registrar of the

No. 71-3203-4 & 7.1.08

Directs with certain observations that in future only one-fourth of the cost of Taluk Establishment instead of one-third as at present, should be debited to Land

GPB .. 8,000—7-4-07

1906-7

GENERAL AND REVENUE SECRETARIAT.

(Gen: Finance)

NOTES.

File No. 343-06

FILE HEADING.

Comptr's remarks with regard to the Shrinkage in the receipts under "Law & Justice".

No.	Dated	Received
iary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

In para 36 of the Comptr's review on the progress of Rev: & Expenditure in the State during the decade between and 1903-4, it is observed that there falling off in the receipts under "Law Just

G. R. S. 12]
General and Revenue Secretariat.

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+ In para 13 of the G.O: No: H: 2050/Pl. Fin: 280-04-55 passing orders on the said review of the Comptroller, it is laid down as unde

A reference will be made to th Chf. Court, bringing to its notice the Comptroller's remarks with regard to the Shrinkage in the receipts un "Law + Justice" and to their beeni proportionately smaller in Impor than in British India and th views of the Judges elicited as t the reason for the apparent reduc

"The Compt'r's remark as to ther having been no increase in the reve from Court Fee Stamps Correspondi to the increase in the Charges fo Civil Justice will also be Communi to the Chf. Court for remarks."

This is therefore a matter reserve for Separate disposal. and the Secretary's direction is:—

"Please open Separate files o each topic, with the available re and after refering them to the Admi Strative Branches Concerned for opin

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or remarks, let them be Submitted to me for further action."

The o/y. o: of 6.2.07 is not yet Communicated to the Registrar of the Ch Court. There Seems to be some Corr^ce going on between the Retrenchment Committee & the Registrar on the Subject.

The case may in the first instance be worked in the Branch before the opinion of Br: III is obtained prior to the Submission of the case for See's orders.

Submitted- The previous Upnames K.S. are in the Judicial 28/3/07. Retrenchment file

MR — and this file may be transferred to Branch III for further action -

MR 28.3.7

Transferred to Br. III

MR 28/3

MR The Judicial Retrenchment file (Ch 103-0 is under Submission to 1st Councillor in connection with the prayer of the Vedaranyam inhabitants for the continuance of the Municipal Court. May the return of the file be awaited. Submitted for orders

MR 30/3/07

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General and Revenue Secretariat.

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~~Board's letter No.~~

Yes, I believe the subject was referred by the Retrenchment Committee

to

you

The Comptroller in paras 36 to 38 of his review of the Progress of Revenue and Expenditure of Mysore for 10 years from 1894-5 to 1903-4 observed that the receipts under "Law and Justice" showed signs of shrinkage during the decade from 58,000 in 1894-5 to 50,000 in 1903-4. As compared with Berar, Assam and Central Provinces, the receipts for Mysore considering the population was the lowest and it was suggested as a possible explanation of this feature that it was either due to the pacific character of the people or a more lenient administration of justice.

These observations were conveyed to the Registrar of this Court for favour of obtaining the opinion of the Judges in this office letter No H 2646 of 26-10 Their opinion recorded in letter No 3696 of 164 8th November 1905 from the Registrar was to the effect that the fall was due to general slackness of all business owing to the Plague and decline of the coffee

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Endorsing

The Retrenchment Committee observe on this, that considering everything the total receipts under Court fee Stamps was incommensurate with the cost of the Judicial Establishment and that the cause of decline under receipts under Law and Justice should be early investigated. Para 6 of the Committee's note, that the number of Suits rose from 20,000 in the first year of the decade to 27,000 in 1897-98 when it received a sudden check. In the succeeding year owing to the advent of the Plague and the consequent slackness of business, the number fell rapidly to 20,000 with a fall over 17 per Cent, which was to some extent made up in the 2 succeeding years. But other causes besides Plague seem to have been at work and there was a steady decline in the Civil litigation till in 1904-5 it was reported to be only 18,254 or about 8 p. c. less than what it was in 1894-95.

Submitted with reference

MS 21/5/07

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Para 13 of the G.O. of 6-2-07 says that the remarks of the High Court ~~in regard~~ will be called for in regard to paras 36 to 38 of the Comptr's note. But it is seen that the ~~High~~ High Court has already been addressed on the point and their reply was received on 11-11-05. ~~Now~~

No explanation offered in regard to the high cost of judicial administration in Mysore appears to be correct.

The point has been considered by the Retrenchment Committee, and we may hope that the retrenchments that have now been agreed will bring down the cost of judicial administration in Mysore to the level of what it is in other Provinces. I do not ~~know~~ know that there is anything now to be done in this connection now.

1.

Secy) 29/5

Please put up a draft order recording the correspondence with a word or two of comment. (We have send copies of all the orders on the Memo by the Desk). Let me see draft by 30/5

Put up draft for 30/5

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Draft Subd. If approved it has to come for
Secy II where further action will be taken
regarding the sending of a copy to the Resident
Mus SW
31/5/07 31/5/07.

Secy
31/5

Submitted

The ruling that has
stated in this file is a
the fall of Rev. under
+justice", during the period
covered by the Constitution
review. An explanation
been given which the Govt.
going to accept. The file
is one of finance
falling under Gl. Ti
than under Fin. Ti
Solicited

Clause (6) Reversion of salaries &c
under General Finance - may be
dealt with under the second sentence
of para 5(1) of the order of 6th May 1920
re. after the administrative ~~effect~~ aspect
of the case has been fully discussed &
should be referred to the financial dept.

As regards the opinion of the Chief Court
that the slackness of business before the courts
is due to plague it will be desirable perhaps to see
how far plague has affected the Court business
as evidenced by fall in receipts. The Retrenchment Committee's
in other provinces proposals have been accepted by Govt and a
reduction of about Rs 50,000 made from
Civil Courts expdr & we should now be in a
position to compare the cost with that in other provinces
before the issue of the order. The comparison is not likely
to be very favourable. As regards Civil Courts
it is stated in the note that the no of cases has
diminished by about 1/8th. It would be interesting to see
if the reduction ~~cost~~ sanctd by Govt is proportionate
to the cost (4½ lakhs) of the Courts established
after excluding the portion thereof from Land Revenue
This appears satisfactory, but may be carefully examined.

Govt Lawyer also considered the point on
which some stress has been given by the Chief Court as
to whether a less proportion than what is now taken
under Orders and Courts or should not
be taken under Criminal Courts expdr.

Branch III

X.
1902.

~~Sir~~ submit with the compliments
of the Financial
Secretary's note.

The information wanted by the
Financial Secretary is in respect
of the following 4 points:—

1. The effect of Plague on
cases under "Law and Justice" in
provinces like Berar, Central Provinces
Assam;

2. How would comparison between
these and other provinces stand now
if retrenchments to the extent of Rs 50,
000 had been effected;

3. Whether the ~~fall in receipts~~ reduction in
cases is in proportion to the fall
in number of suits filed;

4) If a lesser proportion of the
nature of the judicial establishment
of Courts cannot be delited.

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As regards point 1, no information is available in this office. The administration reports of these provinces are not received here. Even the Chief Court in their letter dt 8th november 04 confessed that no details of the administration of justice in these provinces were known to them & in these circumstances, may the Residency be req to obtain the statistics of income and expenditure for the last 10 years with an expression of opinion from the respective Governments as to what influence the Plague had over the receipts of the Law Courts?

As regards the second point, a comparison of the kind suggested does not seem to be favourable to Mysore. It is observed from statement-2 attached to the Retrenchment Committee's report dated 21st July 1907, that in 1900-01, the charge for administration of justice for 1000 inhabitants was Rs 167 in Mysore while in Berar, Central Provinces and Assam, it was only 109, 122 and 114 Rs respectively. The retrenchment to the extent of Rs 51,356 effected in G.O. No 9 of 1600-9 dt 27/11/06 does not improve matters very much. Deducting this amount from the total charges given in the above statement it is found by calculation that the charge per 1000 inhabitants would be still so high as 15

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Pond- this would be triple less than what it-s in Travancore. (156).

As regards the fall in the number of suits, it is respectfully pointed out, that- while the total number of suits filed in 1894-5 was 20,000, it was only 18,254 in 1904-05 or about $\frac{1}{11}$ th less than in the 1st year of the decade. Charges under civil justice for 1904- were £4,27,000 and the curtailment- of expend now effected is to the extent- of Rs 51,356 or ~~about~~ by about $\frac{1}{8}$ th, a proportion much higher than the fall in the number of suits.

As regards point 4, attention is invited to para 3 of letter no $\frac{3696}{144}$ of the 8/11/05 from the Registrar of the Chief Court of Mysore It was observed that- while in Mysore a moiety (in the ratio specified on Page 73, Budget for 1906-7) of the pay of officers of the Revenue Department and the entire cost of their judicial establishments are charged to Law and justice, in Madras only 1/5 of the cost is so debited. The Retrenchment- Commit considered this question in para 12 of their no and observed that- it was to be determined in connection with the cost and efficiency of the District- administration and of the charge

G. R. S. 12]
General and Revenue Secretariat.

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under Land Revenue. Mr A. E. Staley, late Chief Judge of Mysore in para 5 of his note of 1-8-6 on the subject of Judicial Retrenchments also refers to the above and observes that on the basis of the cost of the Mysore Establishment only a fifth instead of a half of the pay of Revenue officers exercising powers of a Magistrate should be debited to Law and Justice. No further action seems to have been taken in the matter

Submitted for orders

Mr SN
13.6.07. 13/6/07

Please resubmit with a copy of the Comptr's Review of the progress of revenue and expenditure

Mr
15/6

Copy of Comptroller's Review Submitted

Mr SN
1576. 15/6

There is no further available information besides the explanation of the Chief Court as regards shrinkage in the receipts. One noticeable fact is that though plague has gone down to a very great extent in the province, business does not seem to have recovered from the shock due to

In 1905-1906, the number of suits file
has increased to 19408 from 18254 of 1
1905. In spite of this slight increase, the
figures have not yet reached those for 1
1895. It remains to be seen whether this in
will continue. As regards the recent re
tions in expenditure, the curtailmen
of 51356 Rs. out 4,27,000 Rs. forms a hi
proportion when compared to the fall in
numbers of suits in the decade from 189
to 1904 to 05. In spite of the retrench
the charge for the administration of Just
in Mysore is proportionately higher than
in the British provinces. But this hig
proportion seem to be due more to the
inclusion of charges (heavier than) usually
under the head of 'Law & Justice' than
to actual extravagance. Thus in My
3/8th of the salaries of Dy Comrs + one-ha
of the salaries of Sub Dn Officers + Asst C.
+ one half of the salaries of Amildar
are now included in charges for La
& Justice. If the Madras method of ch
only 1/5th of the pay of Rev. Officers
exercising magisterial functions
adopted, the cost of Jud. Adm. w
materially decrease. Thus

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the difference bet. 3/8th + 1/5th of Dy.
Com^rs Salaries ..... 17483 Rs
the dif bet 1/2 + 1/5 of Asst. Com^rs
Salaries ..... 47824 Rs
the dif bet 1/2 + 1/5 of Mundsiffs
Salaries ..... 49410 Rs
1,14,717

Then one-half of the Taluq Cutcheries
est^c. cost is included under Law & Justice
This seems to be a very heavy proportion
If only 1/5 of this cost is charged to Law
& Justice, the excess now charged is 124787
Total excess on these heads alone: 2,39,504
The excess now charged under the head
of Law & Justice may be roughly taken
2 1/2 Lakhs (including excess in est.
of Asst. Com^rs). The ~~actual~~ cost of
Jud^l adm^n would then stand at
about 7 Lakhs. The cost for abt 1000
inhabitants would then be about 127 Rs
~~The of~~ Therefore, the question whether
the cost of judicial adm^n is heavy
can be settled only after assigning
to the head of Law & Justice a fair
proportion of the charges under Land Rev
No detailed information is available
at present in the Office as to the proper

G.P. File No. 343 of 1906

proportion of Land Rev. charges me
under Law & Justice in Provinces li
Berar Assam with which Compan
has been instituted by the Comptroll
However, the subject is under the
consideration of the Retrenchment
Committee

A Rajagopal
2.7.

H. Secretary)

2nd.

26/6

2-7

A Statement showing the proportion of Land Revenue charges debitable to Law & Justice in some of the Provinces in British India and in Mysore is enclosed. These proportions have been obtained fr the Budget Estimates for 1906-'07.

From this statement it will be seen that the proportion is different in different Provinces and that this difference is due to two causes.-

(1) In some Provinces separate agencies are employed for most of the criminal work thus reducing the share of judicial work done by the Land Revenu Officers and the proportion is determined by a rou estimate of the amount of criminal work done by th Revenue Staff.

(2) In others, the proportion is calculated onl on pay as the debits on account of the cost of Tra velling allowances and contingencies are made dire to Law & Justice instead of through the head Land Revenue.

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The Madras proportion is no doubt less because Revenue officers have less criminal work, there beir special agencies for such work. The arrangement in Mysore is more in accord with that in Bombay as regards Revenue and Criminal work, and it appears to have been based on the system in vogue in that Presidency.

Compared with Bombay the proportion debited ir Mysore is more favourable to Law & Justice in respect of the debit on account of Deputy Commissioners pay and allowances, but it is less favourable in regard to the debit on account of the Taluk Cutcheri Establishment. In Mysore we debit $\frac{3}{5}$ on account of Pay and allowances of Deputy Commissioners against $\frac{1}{2}$ in Bombay; while on account of the Taluk Cutchery Establishment we debit moiety of the total estimate in Bombay moiety of the pay of only a few clerks is debited. In other words, we debit 50% of such cost while the Bombay debit is only 10%. Our proportion of the debit on account of the Taluk Establishment is really too large. There is a special gumasta attached to each Taluk office for Criminal work and h must naturally do the greater part of the work. The judicial work of the rest of the Establishment, excepting perhaps the Sheristadar, must be if at all very little.

In these circumstances, the only change that seems necessary is in the proportion of the cost of the Taluk Office Establishment and this may I think be fairly fixed at $\frac{1}{3}$ instead of $\frac{1}{2}$ as at present.

Such an arrangement will relieve the Law and Justice charge to the extent of 1 lakh approximatel;

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without very highly raising the percentage of cost of Land Revenue collection. The present rate is 18.134 and the rate according to the arrangement now proposed will be 19.567.

The Madras rate is 21.645

and Bombay 16.948; but as already stated a much smaller proportion is charged in Madras to Law and Justice.

Khunderao 20.7.07
Financial Secretary.

and Lee?

The above discussions show that the comparatively large expenditure on law & justice in Gujarat as contrasted with certain provinces of British India commented upon by Mr Bas in para 37 of his review — is to some extent explained by differences in the systems under which the cost of the establishments engaged on purely judicial work — is distributed between the several heads. As pointed out by Mr Majmudar we debit a very disproportionate share of the cost of Taluka establishments to Law & justice, & the adoption

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of the ~~to~~ suggestion made by
him will reduce to some extent
the high rate of incidence of law & justice
charges - If it is too late to
adopt the new distribution
this year it may be given
effect to from next year -
Dewan through (Sd) ...
23/7.

I agree in the above remarks. Mr. H. 7/
There is one point in these dis-
cussions to which sufficient
attention, if any, has not been
paid, & that is the number of fines as penalties under
the Criminal law - I have noticed
that fines imposed are small
compared with the incentives or
profits of the offence established
In the case of a habitual receiver
of stolen property for example
as much as possible should be recovered
from the offender & he should be
liable to or in addition to
imprisonment - In the case
of riots arising from disputes
in which the parties if they were
less

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less wealthy would either not quarrel at all or be able then dispute amicably by Panchayet of their confreers. I should think heavy fines would be advisable in lieu of or in addition to imprisonment - Similarly in cases of perjury, forgery, etc by wealthy people - The Chief Court may be requested to issue a confidential Circular in the matter - Dtd 21st May 07

Dewan) CSB
3/8
1907

Dewan's ade

Please bring up before Council

B.O. 6/8

Circulate to Council 6/8

SB
8/8

If I remember rightly, the Chief Court did issue a circular recently, calling the attention of Magistrates

GENERAL AND REVENUE SECRETARIAT

Council Matter.

SUBJECT.

Shrinkage in the receipts under Law and Justice as obs
in paras 36 to 38 of the Comptroller's Review of the Progress
Revenue and Expenditure of Mysore from 1894-95 to 1903-04, an
proposals as to adjustment of charges be
Land Revenue & Law & Justice

CIRCULATED TO COUNCILLORS.

By Order,

C. Balasunde
Offg. *Secretary.*

8th August .....190 7.

1/1907

T. Ananda Row, Esq., B.A.,

First Councillor.

Seen by First Councillor

K. P. Puttanna Chetty, Esq,

Second Councillor.

9/1/1907

venue | Gen. Fin File No. 343 of 1906-7.

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re the inadequacy of the fines imposed in Criminal Cases. Please enquire & get a copy

My own impression is that the fines imposed by the Courts are not sufficiently deterrent and that the smallness of receipts is partly attributable to this cause

WHM
9/8/07

Please make the enquiry asked and obtain a copy of the Circular.
WHM 10.8.07 WHM

Draft sub. It is better to call for it from Officials
7/8/07 SN 17/8/07 SN Sent with a draft of D.O.

Issue
Issue D.O 17-8-07 WHM
19/8

The Registrar of the Chief Court forwards a copy of the Circular referred to above. The Circular seems to have been

File No.

Serial No

Diary No. of letter replied to _____

No. 2585

DO

General and Rev. Secretariat

( )

, *the* 190 .

~~To~~

My dear Sir,

Will you kindly let me know whether the Chief Court has issued any Circular calling the attention of Magistrates to the inadequacy of fines imposed in Criminal Cases? If so would kindly send a copy of the same for reference + oblige

Date of issue 20.8.07

Signed by Govt Pleader Rao

Yrs sincerely

Rao

To B Basaveshwara Esq: BA BL

Chief Court
Bangalo
24. 8.

My dear Sir,

As desired
your D.O. of 19/20 th
Inst, I enclose a
printed copy of C
Cir. Letter No 151. dt
Yours sincere
[illegible]

H. Nayar Rau Esq B.A.

tion of the Chief Court has been called to the inadequate senten
tes for breaches of the Excise laws. Some Magistrates appear
eous opinion that merely nominal fines are sufficient. The puni
h as to be deterrent, which is clearly not the case when the f
ter or even less than the amount payable for the license requi
rare occasions on which the offender is caught he is let off witl
rly more profitable for him to contravene the law than to obey
bsurdly inadequate sentences often passed by Magistrates in si
positive encouragement to violation of the law.

Magistrates are requested to bring all such instanc
notice of the Chief Court with a view to the

I have the honor t
Sir,
Your most obedient s

V. A. RAJARATNA M

issued in connection with inadequate sentences passed by Magistrals for breaches of the Excise laws. Subd to the Secretary

ms 27/8/07 28/8/07 30.8.07 Allen

Submitted to 2nd Cr

30/8

A confidential Circular might be issued by the Chief Court to all Magistrates & Judges as suggested by the Pl. Councillor

The re allocation proposed by the Financial Secretary may be approved

30/8/07

Subd to Dewan after circulation

30/8/07 30/8

Dewan's order

Please refer this to the Chief Comm unofficially.

G. R. S. 12]
General and Revenue Secretariat.

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Serial No.

Mis 43]
H.O.J 180/13-9-07
13-9-07

No: 2612 Revenue
140

Forwarded to the Registrar unofficially for favour of opinion of the Chief Court.

12.9.07. K. Gopalan Nair

The file is returned with Copies of the Opinions of the Judges.

Registrar

Judges' Minutes

The Offg. Chief Judge :- I believe it is on the expediency of issuing a circular about the inadequacy of fines that we are called upon to express our opinion.

The question has been raised as a financial one. When dealing with the measure of punishments for offences, the interests of Government revenue from fines is about the least element of consideration. In fact, it may be safely assumed that it is not present in the mind of any criminal Judge when punishing an offender placed for trial before him.

The Criminal Courts of a State stand on a different footing from Civil Courts. It is only the latter that are expected to realise their cost to Government from stamp revenue. No one expects that the protective services rendered by the army or the Police should be paid for by any special income that they realise for the State. The services of the criminal tribunals are similar; and it would be introducing a novel and dangerous principle to recognise that the Magistrates and Judges in the State should have an eye to the earning of an adequate revenue for the State from fines. There are recognised principles laid down in Acts, decised cases and standard treatises, for the regulation of punishments. If a non-judicial consideration like that of Government revenue is allowed to be brought in, it is likely that ~~inperien~~ inexperienced or over zealous officers of Government may pay more attention to awarding substantial fines than to graduate the punishment to the nature of the offence and the means and the desert of the offender.

A general circular as the one suggested by the 1st Councillor seems to be out of place. The law creating each offence - lays down the maximum amount of fine that may be imposed for an offence. When no maximum is prescribed, section 63 of the Penal

Code

Code prescribes that the amount of fine leviable is unlimited - but shall not be excessive. It is open to the Legislature to declare that any punishment shall not be below a certain prescribed minimum, as e.g. in section 397 of the Penal Code. Wher that is not done, the question of the exact measure of punishme has to be decided by each Judge according to his own discretion and it would be as illegal for the Chief Court to lay down general rules to fetter the exercise of this free discretion, as i would be for his official superior or the Government to require that a particular kind of punishment should be awarded. This do not of course mean that the Magistrate can act arbitrarily, and that there are no legal checks on his vagaries. A wrong exerci or an abuse of his judicial discretion can be corrected by the higher tribunals by means of the powers of appeal, revision &c. legally vested in them. In fact, this was the course suggested in Circular Letter No.151 dated 29th January 1902 with referenc Excise offences. But at the same time, I am doubtful if that - Circular did not transcend the limits of what would fall within the power of control vested in a Chief Court. At any rate, I am inclined to think that it was just on the border-land. I cannot see much advantage in laying down such rules that we cannot enforce on the authority of any law as binding on the courts. The will have no more force or efficacy than principles expounded - with greater clearness in well-know works such as Bentham's Pri ciples of Legislation.

The only legal method in which the mistakes of the lower courts in this respect can be corrected would be by the exampl of the higher courts, and by the correction of mistakes commi ed in individual cases whenever possible by the exercise of re visional powers vested in this Court.

I am decidedly opposed to the issue of any circular from this court (confidentially or otherwise) on such a subject. I

fac

fact, if any circular or other instructions are called for, I think that they should not be issued as confidential instruction for obvious reasons.

24th September 1907. Sd-. H.V. Nanjundayya,
Offg. Chief Judg

Mr Justice P.S. Krishna Rao, Rao Bahadur :- I agree generally in the observations made by the Officiating Chief Judge, and consider that it would not be advisable to issue a circular to Subordinate Criminal Courts, even confidentially, on the lines indicated by the first Councillor. It may be that the fines imposed by Criminal Courts in the Mysore State are not so heavy as they are in British India, although this cannot be asserted as a fact in the absence of proper figures; but I fear that the issuing of any instructions by the Chief Court will only tend to -- confuse subordinate courts, which are apt to regard all instructions of superior authority as mandatory and not advisory. The Legislature has given unfettered discretion to Criminal Courts in the matter of determining the nature and amount of punishment to be awarded in each case; and every case must be dealt with on its own merits, for it is seldom that the circumstances of one case are similar to those of another. The only way in which an improvement can be effected in the direction contemplated, is for the appellate and revising courts to direct the attention of the subordinate courts to the inadequacy of the fines inflicted whenever they consider that higher fines should have been imposed The Judges of such courts may also pay particular attention to this subject whenever they inspect the courts subordinate to them and the records of those courts; and they may in their inspection notes make such observations on this point as appear to them reasonable.

26th September 1907.

Sd-. P.S. Krishna Rao
Judge.

Mr Justice K.S. Chandrasekhara Aiyar :- I have nothing to add to the considerations so clearly and forcibly set forth in the minutes of my learned colleagues, in which I entirely concur A general circular, confidential or otherwise, in regard to the exercise of a judicial function, is, in my opinion, uncalled for and inexpedient.

/30th September 1907 Sd-. K.S. Chandrasekhara Aiyar,
Offg. Judge.

" C o p y "

Registrar.

Gen. Fin. File No. 343 of 1906.

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Subd for orders.

6/10/07

Submitted to the Secretary with the opinion of the Chief Co

10.10.07 H Shuttleworth

Further submd to Crs

CSB

12/10/07

1. The point regarding a circular may be discussed. The discussion by Govt may be expected to have the desired effect.

2. The distribution of charges propo by the Comptroller may be launche

dtd 18 Nov 07

I thank the observations of the Offg Chief Judge regarding financial considerati entirely misinterpret the views of the Govt. Comment on the question raised. The inadequacy of pay was incidentally brought to notice and a suggestion was made to call attention to it by means of a circular

It was nowhere urged that Considerations of Govern ment revenue should influence the Magistrate in awarding fines.

I still adhere to the opin that the fines inflicted in our Courts are far too light and I hope the Superior Courts will take steps to correct this shortcoming

I have already expressed my opinion that the distri bution of charges as suggest by the Financial Secreta may be approved

W.H.
9/4/07

Submitted to His Highness.

In paras 36 and 37 of his review of the progress of revenue and expenditure in Mysore, from 1894-95 to 1903-04, Mr. Basu, the late Comptroller, remarked on the fact that the expenditure under "Law and Justice" was comparatively heavier in Mysore than in the British Indian Provinces and that the receipts were comparatively smaller and showed signs of shrinkage.

In para 13 of the Government Order of 6th February 1907, passing orders on Mr. Basu's review, these points were ordered to be referred to the Chief Court for remarks.

The retrenchments ordered in the Judicial Department have resulted in a reduction of expenditure to the extent of Rs.51,350 per annum; but the proportion of the cost of Judicial administration in Mysore is still somewhat higher than in British India. As observed by the Chief Court, this is to a great extent due to the fact that in Mysore a comparatively larger proportion of the salaries of officers and establishments of the Revenue Department is charged to Law and Justice than is the case in the Madras Presidency for instance.

The proportions in which these charges are shared between the different departments in the British Provinces and in Mysore are explained in the notes. The Financial Secretary is of opinion that our proportion of the debit to Law and Justice on account of taluk establishments is really too large and recommends that only one-fourth of the cost of taluk

office establishments, instead of one-half as at present, need be debited to Law and Justice. Such an arrangement will relieve the Law and Justice charges to the extent of a lakh of rupees approximately, without very highly raising the percentage of cost of Land Revenue collection.

This is agreed to by both the Councillors and may be sanctioned.

The shrinkage in the receipts is attributed by the Chief Court to general slackness of business due to the plague and to the decline of the coffee industry. In this connection the First Councillor referred to the smallness of the fines imposed by the magistracy in Criminal cases and suggested the issue of a confidential circular by the Chief Court, inviting the attention of the Magistrates to this point. The Chief Court are however opposed to any such circular being issued. This subject will therefore be dropped.

29/11/1897

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposals relative to the adjustment of charges debitable to Law and Justice on account of Taluk establishments.

Order.

Sanctioned

~~KRW~~

5/12/07

14/12/07

Issue orders accordingly

CSB

G. R. S., 12]
General and Revenue Secretariat.

Jud. Fin File No. 343 of 1906

Submitted with a draft.

BK
5/12/07

Please keep a fair copy in Persian and submit to me

MR 10/1/07

10
5/12/07

Submitted with draft letter for approval before issue

AB
23/12

Draft approved

MR 24/12

Print Submit in proof to Dewan before issue.

B
11/08.

16/1

Submitted to Dewan.

K.S.
7/2/08.

MR

7.2.0

Approved by Dewan R.C.
7.3.08

Issue

AB
9/3/08

9/3

To the Comptr. & Regr. C.C. 3203-4 of 7.1.08. Directing with certain observations that in future only ¼ of the cost of Taluk Office Establishments instead of ½ as at present

Fair Draft

File No. 343-06

Serial No.

Diary No. of letter replid to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

(Gen Fin)

, *the* 190

Date of issue 7th January/08

Signed by W Sundara Iyer

READ.—

Para 37 of Mr. Bas
review of the progress of
revenue and expenditure
in the State from 1894-95 to
1903-04 observing that the
expenditure under "Law a

~~ORDER THEREON.—No.~~

justice" was comparatively
heavier in Mysore than in th
British Indian Provinces.
(2) G. O. No: J 1400-1406-Cts
103-06-3 dated 27th Novr. 14
ordering certain retrenchme
in the Cost of the judicial

over

Department in Mysore.
Para 13 of G.O. No:
H 6050 dated 6th Febry 1907
2804-55
referring to the Chief Court
the remarks of Mr Basu
regarding the Shrinkage
in the receipts of Law
and justice and their
Comparative Smallness
in Mysore as Compared
with the receipts in British
India.

Order thereon No H 3203-4 dated 7 January 1911
Jdn 343-06
It is observed that
the retrenchments recently effected
in the Judicial Department
have resulted in a considerable
reduction of expenditure
~~to the extent of more~~
~~than Rs 50,000/- per~~
~~annum~~; but that the
proportion of the Cost
of Judicial administration

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

five percentage
de Statement appended).

In Mysore appears to be
still somewhat higher
than in British India.
As pointed out by the
Chief Court, this ~~Statement~~
difference is, to a great
extent, due to the fact
that in Mysore a Comparatively larger proportion
of the Salaries of officers
and establishments of
the Revenue Department
is charged to Law and
Justice than is the case

of British India, the Madra
Presidency for instance

A Comparison

of the Land Rev: charges
debitable to Law & justice
in the provinces of British
India and in Mysore
will show that the
proportion is different
in different provinces
and that this difference
is due to ~~2~~ Two Causes, viz
1) In some provinces
separate agencies
are employed for most
of the Criminal work

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

done by the Land Reven
officers and the propor
is determined by a
rough estimate of the
amount of Criminal wor
done by the Revenue Sta
(2) In others, the proportio
is calculated only on
pay, as the debits on
account of the Cost of
Travelling allowances
and Contingencies are
made direct to Law and
Justice instead of throug

In considering the
proportions in which
these charges are shared
between the different
departments in the British
provinces and in Mysore,
Govt are of opinion that
the proportion of the debit
to Law and justice on
account of Taluk Establishments
in Mysore is ~~really too~~ disproportionately
large and that only one-
fourth of the cost of taluk
office establishments
instead of one-half as
at present should be in future

This arrangement which
is expected to reduce the Law
and justice charges in Myso
without ~~very highly~~ unduly raisin
the percentage of Cost of Law
Revenue Collection will be
brought into force with effe
from next year.

4. The Comparatively
Smallness of receipts u
Law and justice pointed
by Mr. Basu is attribute
by the Chief Court to gene
slackness of business d

to the plague, and to the decline of the Coffee industry and Govt. are of opinion that no orders are called for in the matter.

CSB 23/12

Financial Secretary

The Comptroller
" Registrar, Supreme Court

3 copies made

KP 4/1/08

READ—

Para 37 of Mr. Basu's review of the progress of revenue and expenditure in the State from 1894-95 to 1903-04 observing that the expenditure under "Law and Justice" was comparatively heavier in Mysore than in the British Indian Provinces.

2. Government Order No. J. 1400-1406—Cts. 103-06-3, dated 27th November 1906, ordering certain retrenchments in the cost of the Judicial Department in Mysore.

3. Para 13 of Government Order No. Fl. 6050—280-04-55, dated 6th February 1907 referring to the Chief Court the remarks of Mr. Basu regarding the shrinkage in the receipts of Law and Justice and their comparative smallness in Mysore as compared with the receipts in British India.

NO. FI. 6205-4—G. P. 545-06, DATED BANGALORE, 7TH JANUARY 1908.

ORDER THEREON.—It is observed that the retrenchments recently effected in the Judicial Department have resulted in a considerable reduction of expenditure but the proportion of the cost of Judicial administration in Mysore appears to be still somewhat higher than in British * India. As pointed out by the Chief Court this difference is, to a great extent, due to the fact that in Mysore a comparatively larger proportion of the salaries of officers and establishments of the Revenue Department is charged to Law and Justice than is the case in some of the provinces of British India, the Madras Presidency for instance.

* *Vide* Statement appended.

2. A comparison of the Land Revenue charges debitable to Law and Justice in the provinces of British India and in Mysore will show that the proportion is different in different provinces and that this difference is due to two causes, *viz.*, (1) in some provinces separate agencies are employed for most of the criminal work, thus reducing the share of judicial work done by the Land Revenue Officers and the proportion is determined by a rough estimate of the amount of criminal work done by the Revenue staff; (2) in others, the proportion is calculated only on pay, as the debits on account of the cost of travelling allowances and contingencies are made direct to Law and Justice instead of through the head Land Revenue.

3. On a consideration of the proportions in which these charges are shared between the different departments in the British Provinces and in Mysore, Government are of opinion that the proportion of the debit to Law and Justice on account of taluk establishments in Mysore is disproportionately large and that only one-fourth of the cost of taluk office establishments instead of one-half, as at present, should in future be debited to Law and Justice. This arrangement, which is expected to reduce the Law and Justice charges in Mysore without unduly raising the percentage of cost of Land Revenue Collection, will be brought into force with effect from the next year.

4. The comparative smallness of receipts under Law and Justice, pointed out by Mr. Basu, is attributed by the Chief Court to general slackness of business due to the plague and to the decline of the coffee industry and Government are of opinion that no orders are called for in the matter.

C. S. BALASUNDARAM IYER,
Offg., Financial Secretary.

To—The Comptroller, Mysore Government.
The Registrar of the Chief Court of Mysore.

No. G. F. 343-06.

(Based on the Budget estimates for 1906-07) Statement showing the proportion of Land Revenue charges debited to Law and Justice in some of the Provinces of British India and in Mysore.

Establishments	Madras	Bombay	Bengal	United Provinces	Mysore
Collectors	One-fifth of salaries.	Half of salaries of all officers excepting those holding joint Judgeship.	Half of salaries.	Half of salaries of all officers.	Three-eighths salaries of Deputy Commissioners.
Special and Head Assistant Collectors, Sub-Collectors, Dy. Collectors.	One-fifth of travelling allowance including tentage.	Three-fourths of salaries of officers holding joint Judgeships.	Half of travelling allowance and horse allowance.		Half of salaries of Assistant Commissioners.
		Half of fixed travelling and tentage allowances of Collectors, etc.			Three-eighths travelling allowance of Deputy Commissioners.
					Half of travelling allowance of Assistant Commissioners.
Establishments ...	One-fifth of pay and travelling allowance of Collectors, Sub-Collectors, Head and Special Assistant Collectors, Deputy Collectors, Collectors Plague and Hospital Charges.	Collectors, Judicial Establishment directly charged to Law and Justice.	Half of pay of Deputy Magistrates, Deputy Collectors Kunangoo establishments.	Three-eighths of pay of Revenue Record Room Copying Establishment.	Half of pay of Assistant Commissioners. Whole Judicial Establishment of Deputy Commissioner's Office.
			Half of Kunangoo establishment travelling allowance.		
Tasildars	One-fifth of salaries.	Half of salaries.	None.	None.	Half of salaries.
	One-fifth of allowances.				Half of travelling allowance.
Establishment	One-fifth of pay.	Half of pay of Head clerks, etc.	Half of salaries.	None.	Half of pay (Amildar's Office) of Taluk Cutcherry Establishment.
	One-fifth of allowances.		Half of allowances.		
	One-fifth of Plague Establishment.				Half of travelling allowance.
Contingencies	One-fifth of Tasildars except Telegraph and Postal Charges.	.....	.....	.....	Half of Deputy and Assistant Commissioners.
					Half of Taluk charges.
.....	.....	Charges on account of travelling allowance and contingencies are debited to Law and Justice.	Charges on account of travelling allowances and contingencies are debited to Law and Justice.	Charges on account of travelling allowances and contingencies are debited to Law and Justice.	.....

1907-08

GOVERNMENT OF HIS HIGHNES THE MAHARAJA OF MYSORE

FINANCIAL
(GENERAL FINANCE)

PROCEEDINGS

Dated 7th January 1908

No. Fl. 3203-4 / G. F. 343-06

Directing with certain observations that in future, only one-fourth of the cost of Taluk Office Establishments instead of one-half as at present, should be debited, to "Law and Justice."